

Jason M. Drangel (JD 7204)  
[jdrangel@ipcounselors.com](mailto:jdrangel@ipcounselors.com)  
Ashly E. Sands (AS 7715)  
[asands@ipcounselors.com](mailto:asands@ipcounselors.com)  
Brieanne Scully (BS 3711)  
[bscully@ipcounselors.com](mailto:bscully@ipcounselors.com)  
Danielle S. Yamali (DY 4228)  
[dfutterman@ipcounselors.com](mailto:dfutterman@ipcounselors.com)  
EPSTEIN DRANGEL LLP  
60 East 42nd Street, Suite 2520  
New York, NY 10165  
Telephone: (212) 292-5390  
Facsimile: (212) 292-5391  
*Attorneys for Plaintiff*  
*Shenzhen Smoore Technology Ltd.*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SHENZHEN SMOORE TECHNOLOGY LTD.,

*Plaintiff*

v.

A253481482, ABC1205, ABC369369, ABO33,  
AIRMEN\_LI, AIRPORDS, ALICEECIG, ANDECIG,  
ASPIREAGENT, ASPIREBUY, ASPIRESALE,  
ATHLETICBUY, BEAUTEOUS, BEAUTY1668,  
BEIJING-2008, BETTY02, BIGSTORESZ,  
BMITHRW, BUYUP, CHEAPEZY, CHENLIN1227,  
CHINA\_VAPE, CHINABUYECIGS, CHINACOIL,  
CHINA-DVD, CHINAVAPEFACTORY, CIGSTORE,  
CLOUDY\_VAPOR, CN\_LEE, COSYWELL,  
CYCSUPPLY, DHTE, DIARYMM, DORA68689,  
DRCANN, DVD\_STORE, EBLTECH,  
ECIGARETTE\_, ECIGFACTORY668, ECOMING,  
ECTY, EFFIETVAPOR, EGATE1, EGOTIME,  
ELECTRONICSBEST, EMAKER,  
ENJOYING\_DHGATE, ESTAKE, FANPUERKJY,  
FEMK, FLYDREAM, FMJ8899, FT\_VAPE,  
GARDEN, GHOST\_RIDER, GRABERN,  
GREENKANGDA, HANDSPINER,  
HANDSPINNER\_, HAYI, HEMPSUPPLIER,  
HOTINGVAPE, HOTSALÉOUTLET, ICARS,

**CIVIL ACTION No.  
19-cv-9895 (VEC)**

**[PROPOSED]  
ORDER TO SHOW CAUSE  
WHY DEFAULT JUDGMENT  
AND A PERMANENT  
INJUNCTION SHOULD NOT  
BE ENTERED AGAINST  
DEFAULTING DEFENDANTS**

IHAPPYU, IHEALTH, INDIO, IVOPOR01,  
 JACK2019A, JASON\_WENG, JATERL2012,  
 JESSUP, JIANGJUNJIE1, JIEQ, KATHERINE,  
 KEVIN03, LADYGAGAADCC, LANVAPOR,  
 LIFE\_STYLES, LIKE2018, LIUXI19880510,  
 MAKEUP\_USA, MARKWAHLBERG, MIAOUTLET,  
 MSYI, MYGHD, NONGDONGBO, PASSTORE1,  
 PHOEBE\_ECIG, PLAYER, PLOYER, POSTORE,  
 QIANHJ, QINGCHENG\_SHOP, QUALITYECIG,  
 QUALITYSELLER, ROMANDY89,  
 SAKOYVAPING, SEEKGUY, SEEKGUY\_ECIG,  
 SEEKGUY\_VAPOR, SEEKGUY01, SHENZHEN7,  
 SIBYLE, SMART3C\_CHINA, SMARTLIFETECH,  
 SMARTLIFETECHTOY, SMOK\_KIT,  
 SMOKEHOUSE, SMOKETECH88, SMOKINGMAN,  
 SMOKTECHWORLD, SMOKVIP, SOLARS, SUNM,  
 SUPERSUPER, SZALONE1, SZGARDEN,  
 SZGATE2, SZJUDE1, SZKEJI, SZKINGFLY,  
 SZPARTY, SZVAPE1, SZVAPE168, TAILING,  
 THCFACORY, TINKERBELL, TOPVAPE168,  
 TRUMEN, TTDRESS, UNBROKEN, UVAPING,  
 VAPEGATE8, VAPES113, VAPESGATE,  
 VAPESOONTECH, VAPEXIA, VAPOR168,  
 VAPORECIG2, VAPORECIG3, VAPORECIG5,  
 VAPOREX, VAPORSKYPE, VAPORTHING,  
 VERA22, VIBES, VICK008, WHOLESale\_CHINA,  
 WHOLESaleCHINAECIGS, YOUYI2, YOUYI3,  
 YSMELECTRONICS, YUNKANG138 and  
 YY3CGOODS,

*Defendants*

**GLOSSARY**

<b><u>Term</u></b>	<b><u>Definition</u></b>	<b><u>Docket Entry Number</u></b>
<b>Plaintiff or Smoore</b>	Shenzhen Smoore Technology Ltd.	N/A
<b>Defendants</b>	a253481482, abc1205, abc369369, abo33, airmen_li, Airpords, alicecig, andecig, Aspireagent, aspirebuy, aspiresale, athleticbuy, beauteous, beauty1668, beijing-2008, betty02, bigstoresz, bmithrw, buyup, cheapezy, chenlin1227, china_vape, chinabuyecigs, chinacoil, china-dvd, Chinavapefactory, Cigstore, cloudy_vapor, cn_lee, cosywell, cycsupply, dhate, diarymm, dora68689, drcann, dvd_store, Ebltech, ecigarette_, Ecigfactory668, ecoming, ecty, effietvapor, egate1, egotime, electronicsbest, emaker, enjoying_dhgate, estake, fanpuerkjy, femk, flydream, Fmj8899, Ft_vape, Garden, ghost_rider, grabern, greenkangda, handspiner, handspinner_, hayi, hempsupplier, Hotingvape, hotsaleoutlet, icars, ihappyu, ihealth, Indio, ivopor01, jack2019a, jason_weng, Jaterl2012, jessup, jiangjunjie1, jieq, Katherine, kevin03, ladygagaadcc, lanvapor, life_styles, like2018, liuxi19880510, Makeup_usa, Markwahlberg, miaoutlet, msyi, myghd, nongdongbo, passtore1, phoebe_ecig, player, ployer, postore, qianhj, qingcheng_shop, qualityecig, qualityseller, romandy89, sakoyvaping, Seekguy, Seekguy_ecig, Seekguy_vapor, Seekguy01, shenzhen7, sibyle, smart3c_china, smartlifetech, smartlifetechtoy, smok_kit, smokehouse, Smoketech88, smokingman, smoktechworld, smokvip, solars, sunm, supersuper, szalone1, szgarden, szgate2, szjude1, szkeji, szkingfly, szparty, szvape1, szvape168, tailing, thcfactory, tinkerbelle, topvape168, trumen, ttdress, unbroken, uvaping, vategate8, Vapes113, vatesgate, vatesoontech, vatesxia, vapor168, vaporecig2, vaporecig3, vaporecig5, Vaporex, vaporskype, vaporthing, Vera22, vibes, vick008, wholesale_china, wholesalechinaecigs, youyi2, youyi3, ysmelectronics, yunkang138 and yy3cgoods	N/A
<b>Defaulting Defendants</b>	abc1205, abc369369, abo33, airmen_li, Airpords, alicecig, andecig, athleticbuy, beauteous, beauty1668, betty02, bigstoresz, bmithrw, buyup, china_vape, chinacoil, Chinavapefactory, Cigstore, cloudy_vapor, cn_lee, dhate, diarymm, dora68689, drcann, Ebltech, Ecigfactory668, effietvapor, egate1, enjoying_dhgate, estake, fanpuerkjy, femk, flydream, Fmj8899, Ft_vape, Garden, grabern, greenkangda, handspiner, handspinner_, hayi, hempsupplier,	N/A

	Hotingvape, ivopor01, jack2019a, jason_weng, Jaterl2012, jiangjunjie1, jieq, kevin03, ladygagaadcc, lanvapor, Makeup_usa, Markwahlberg, miaoutlet, msyi, nongdongbo, passtore1, phoebe_ecig, ployer, postore, qingcheng_shop, qualityseller, romandy89, Seekguy, Seekguy_ecig, Seekguy_vapor, Seekguy01, shenzhen7, sibyle, smartlifetech, smartlifetechtoy, smok_kit, Smoketech88, smoktechworld, smokvip, sunm, supersuper, szalone1, szgarden, szgate2, szjude1, szkeji, szparty, szvape1, szvape168, tailing, thcfactory, topvape168, ttdress, unbroken, vapegate8, Vapes113, vapesgate, vapesoontech, vapexia, vapor168, vaporecig2, vaporecig3, vaporecig5, Vaporex, vaporskype, vaporthing, Vera22, vick008, wholesalechinaecigs, youyi2, ysmelectronics and yunkang138	
<b>DHgate</b>	Dunhuang Group d/b/a DHgate.com, an online marketplace and e-commerce platform which allows manufacturers, wholesalers and other third-party merchants, like Defendants, to advertise, distribute, offer for sale, sell and ship their wholesale and retail products originating from China directly to consumers worldwide and specifically to consumers residing in the U.S., including New York	N/A
<b>Epstein Drangel</b>	Epstein Drangel LLP, counsel for Plaintiff	N/A
<b>NAL</b>	New Alchemy Limited, a company that provides intellectual property infringement research services, to investigate and research manufacturers, wholesalers, retailers and/or other merchants offering for sale and/or selling counterfeit products on online marketplace platforms	N/A
<b>New York Addresses</b>	20 Cooper Square, New York, NY 10003 105 Avenue B, Apt 4B, New York, NY 10009 244 Madison Ave, Suite 411, New York, NY 10016 944 Havemeyer Ave, Bronx, NY 10473	N/A
<b>Sealing Order</b>	Order to Seal File entered on October 25, 2019	1
<b>Complaint</b>	Plaintiff's Complaint filed on October 25, 2019	6
<b>Application</b>	Plaintiff's <i>Ex Parte</i> Application for: 1) a temporary restraining order; 2) an order restraining Merchant Storefronts (as defined <i>infra</i> ) and Defendants' Assets (as defined <i>infra</i> ) with the Financial Institutions (as defined <i>infra</i> ); 3) an order to show cause why a preliminary injunction should not issue; 4) an order authorizing bifurcated and alternative service and 5) an order authorizing expedited discovery filed on October 25, 2019	9-13
<b>Zhu Dec.</b>	Declaration of Derek Zhu in Support of Plaintiff's Application	11
<b>Arnaiz Dec.</b>	Declaration of Jessica Arnaiz in Support of Plaintiff's Application	10
<b>Yamali Dec.</b>	Declaration of Danielle S. Yamali in Support of Plaintiff's Application	12

<b>Smooore Brands</b>	Smooore owns and operates numerous electronic cigarette brands, including CCELL and VAPORESSO	N/A
<b>CCELL Products</b>	Electronic cigarette products including cartridges, atomizers, batteries, disposables and related accessories promoted and sold through the CCELL brand	N/A
<b>VAPORESSO Products</b>	Electronic cigarettes including vape mods, kits, tanks, coils and related accessories promoted and sold through the VAPORESSO brand	N/A
<b>Smooore Products</b>	CCELL Products and VAPORESSO Products	N/A
<b>CCELL Marks</b>	U.S. Trademark Registrations Nos.: 5,633,060 for “CCELL” for goods in Class 34; 5,462,670 for “CCELL” for goods in Class 9; and 5,435,824 for “ <b>CCELL</b> ” for goods in Class 34	N/A
<b>VAPORESSO Registration</b>	U.S. Trademark Registration No. 4,920,266 for “ <b>Vaporesso</b> ” for goods in Classes 9, 34 and 35	N/A
<b>VAPORESSO Application</b>	U.S. Trademark Serial Application No. 88/603,037 for “VAPORESSO” for a variety of goods in Class 34	N/A
<b>VAPORESSO Marks</b>	The marks covered by the VAPORESSO Registration and VAPORESSO Application	N/A
<b>Smooore Marks</b>	CCELL Marks and VAPORESSO Marks	N/A
<b>CCELL Website</b>	www.ccell.com	N/A
<b>VAPORESSO Website</b>	www.vaporesso.com	N/A
<b>Counterfeit Products</b>	Products bearing or used in connection with one or more of the Smooore Marks, and/or products in packaging and/or containing labels and/or hang tags bearing one or more of the Smooore Marks, and/or bearing or used in connection with marks that are confusingly similar to the Smooore Marks and/or products that are identical or confusingly similar to one or more of the Smooore Products	N/A
<b>Infringing Listings</b>	Defendants’ listings for Counterfeit Products	N/A
<b>User Accounts</b>	Any and all websites and any and all accounts with online marketplace platforms such as DHgate, as well as any and all as yet undiscovered accounts with additional online marketplace platforms held by or associated with Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them	N/A
<b>Merchant Storefronts</b>	Any and all User Accounts through which Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them operate storefronts to manufacture, import, export, advertise, market, promote, distribute, display, offer for sale, sell and/or otherwise deal in Counterfeit Products, which are held by or associated with Defendants, their respective officers,	N/A

	employees, agents, servants and all persons in active concert or participation with any of them	
<b>Defendants' Assets</b>	Any and all money, securities or other property or assets of Defendants (whether said assets are located in the U.S. or abroad)	N/A
<b>Defendants' Financial Accounts</b>	Any and all financial accounts associated with or utilized by any Defendants or any Defendants' User Accounts or Merchant Storefront(s) (whether said account is located in the U.S. or abroad)	N/A
<b>Financial Institutions</b>	Any and all banks, financial institutions, credit card companies and payment processing agencies, such as DHgate ( <i>e.g.</i> , DHpay.com), PayPal Inc. ("PayPal"), Payoneer Inc. ("Payoneer") and PingPong Global Solutions, Inc. ("PingPong") and other companies or agencies that engage in the processing or transfer of money and/or real or personal property of Defendants	N/A
<b>Third Party Service Providers</b>	Online marketplace platforms, including, without limitation, those owned and operated, directly or indirectly by DHgate, as well as any and all as yet undiscovered online marketplace platforms and/or entities through which Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them manufacture, import, export, advertise, market, promote, distribute, offer for sale, sell and/or otherwise deal in Counterfeit Products which are hereinafter identified as a result of any order entered in this action, or otherwise	N/A
<b>Defendants' Frozen Assets</b>	Defendants' Assets from Defendants' Financial Accounts that were and/or are attached and frozen or restrained pursuant to the TRO and/or PI Order, or which are attached and frozen or restrained pursuant to any future order entered by the Court in this Action	N/A
<b>Plaintiff's Motion for Default Judgment</b>	Plaintiff's Application for an Order to Show Cause why Default Judgment and a Permanent Injunction should not be entered Against Defaulting Defendants filed on June 9, 2020	TBD
<b>Yamali Aff.</b>	Affidavit by Danielle S. Yamali in Support of Plaintiff's Motion for Default Judgment	TBD

Upon the accompanying Affidavit of Danielle S. Yamali in support of Plaintiff's application for an Order to Show Cause Why Default Judgment and a Permanent Injunction Should Not be Entered Against Defaulting Defendants, the Certificate of Service of the Summons, Complaint and TRO, the Certificate of the Clerk of the Court stating that no answer has been filed in this Action, and upon all other pleadings and papers on file in this action, it is hereby:<sup>1</sup>

ORDERED that Defaulting Defendants abc1205, abc369369, abo33, airmen\_li, Airpords, alicecig, andecig, athleticbuy, beauteous, beauty1668, betty02, bigstoresz, bmithrw, buyup, china\_vape, chinacoil, Chinavapefactory, Cigstore, cloudy\_vapor, cn\_lee, dhte, diarymm, dora68689, drcann, Ebltech, Ecigfactory668, effietvapor, egate1, enjoying\_dhgate, estake, fanpuerkjy, femk, flydream, Fmj8899, Ft\_vape, Garden, grabern, greenkangda, handspiner, handspinner\_, hayi, hemsupplier, Hotingvape, ivopor01, jack2019a, jason\_weng, Jaterl2012, jiangjunjie1, jieq, kevin03, ladygagaadcc, lanvapor, Makeup\_usa, Markwahlberg, miaoutlet, msyi, nongdongbo, passtore1, phoebe\_ecig, ployer, postore, qingcheng\_shop, qualityseller, romandy89, Seekguy, Seekguy\_ecig, Seekguy\_vapor, Seekguy01, shenzhen7, sibyle, smartlifetech, smartlifetechtoy, smok\_kit, Smoketech88, smoktechworld, smokvip, sunm, supersuper, szalone1, szgarden, szgate2, szjude1, szkeji, szparty, szvape1, szvape168, tailing, thcfactory, topvape168, ttdress, unbroken, vategate8, Vapes113, vapesgate, vapesoontech, vapexia, vapor168, vaporecig2, vaporecig3, vaporecig5, Vaporex, vaporskype, vaporthing, Vera22, vick008, wholesalechinaecigs, youyi2, ysmelectronics and yunkang138 show cause before the Honorable Valerie E. Caproni, in Courtroom 240 of the United States District Court for the Southern District of New York, at 40 Foley Square, New York, New York on \_\_\_\_\_, 2020, at \_\_\_\_\_.m., and show cause why an order should not be issued pursuant to Rule 55 of the Federal Rules of Civil Procedure

---

<sup>1</sup> Where a defined term is referenced herein and not defined herein, the defined term should be understood as it is defined in the Glossary.



for the entry of a default judgment against each Defaulting Defendant awarding Plaintiff permanent injunctive relief, \$50,000.00 in statutory damages against each and every Defaulting Defendants (a total of one hundred eight (108) Defaulting Defendants) and post-judgment interest, and any other ancillary equitable relief as this Court may deem just and proper (“Show Cause Hearing”).

ORDERED that the service of a copy of this ORDER TO SHOW CAUSE and its supporting papers, including the Affidavit (collectively, the “OSC Papers”), shall be made on each Defaulting Defendant by \_\_\_\_\_, 2020, and deemed effective as to all of Defaulting Defendants if it is completed by the following means:

1. delivery of (i) PDF copies of the OSC Papers, or (ii) a link to a secure website (including NutStore, a large mail link created through Rmail.com or via website publication through a specific page dedicated to this lawsuit accessible through [ipcounselorslawsuit.com](http://ipcounselorslawsuit.com)) where each Defaulting Defendant will be able to download PDF copies of the OSC Papers, to Defaulting Defendants’ e-mail addresses as identified pursuant to Paragraph V(C) of the TRO; or
2. delivery of a message to such Defendants through the same means that Plaintiff’s agents have previously communicated with Defendants, namely the system for communications established by the Third Party Service Providers on their respective platforms, providing a link to a secure website (such as NutStore or a large mail link created through Rmail.com) where each Defendant will be able to download PDF copies of the OSC Papers.

ORDERED that opposing papers, if any, shall be filed with the Court and served on Plaintiff’s counsel on or before \_\_\_\_\_, 2020, by delivering copies thereof to the office of Epstein Drangel LLP at 60 East 42<sup>nd</sup> Street, Suite 2520, New York, New York 10165,



Attn: Jason M. Drangel. Plaintiff shall file any reply papers on or before \_\_\_\_\_  
\_\_\_\_, 2020.

If Defaulting Defendants fail to appear at the Show Cause Hearing or otherwise fail to file  
a response to this ORDER TO SHOW CAUSE, a default judgment will be entered against each  
Defaulting Defendants.

**SO ORDERED.**

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2020, at \_\_\_\_\_ .m.  
New York, New York

---

HON. VALERIE E. CAPRONI  
UNITED STATES DISTRICT JUDGE